

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE:**

QUINN DEJUAN BROWN  
JANELLE LYNEA BROWN

Debtor(s)

)  
) Case No. 20 B 02109  
) Chapter 13  
)  
) Judge Timothy A. Barnes  
)

**NOTICE OF MOTION**

To: SEE ATTACHED SERVICE LIST

**PLEASE TAKE NOTICE** that on **July 14, 2022** at **9:30 a.m** I will appear before the Honorable Judge Timothy A. Barnes or any judge who may be sitting in his place, and present the motion of Estates at Brookmere Owners Association for Relief from the Automatic Stay or in the Alternative to Dismiss Debtor's Chapter 13 Bankruptcy, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video,** (1) use this link: <https://www.zoomgov.com/>. (2) Enter the meeting ID 161 329 5276. (3) Enter the passcode 433658.

**To appear by telephone,** (1) call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. (2) Enter the meeting ID 161 329 5276. (3) Enter passcode 433658.

**When prompted identify yourself by stating your full name.**

**To reach Judge Barnes's web page** go to [www.ilnb.uscourts.gov](http://www.ilnb.uscourts.gov) and click on the tab for Judges.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may call the matter regardless.

ESTATES AT BROOKMERE OWNERS  
ASSOCIATION

/s/ Ronald J. Kapustka  
By: Ronald J. Kapustka

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.  
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**CERTIFICATE OF SERVICE**

The undersigned, and attorney, hereby certifies that I have served a copy of the foregoing Notice and Motion for Relief from the Automatic Stay or in the Alternative to Dismiss Debtor's Chapter 13 Bankruptcy to be served upon the parties listed below, as to the Trustee and the Debtor's attorney via electronic notice on July 1, 2022 and as to the Debtor by causing same to be mailed in a property addressed envelope, postage pre-paid, before the hour of 5:00 pm on July 5, 2022.

**SERVICE LIST**

Christine Kuhlman, Esq., Attorney for Debtor, Geraci Law L.L.C., 55 E. Monroe St., Suite 3400, Chicago, IL 60603 - ***by electronic notice through ECF***

Quinn Dejuan Brown, 152 Henson Court, Matteson, IL 60443

Janelle Lynea Brown, 152 Henson Court, Matteson, IL 60443

Marilyn O Marshall, Chapter 13 Trustee, 224 South Michigan Avenue, Suite 800, Chicago, IL 60604 - ***by electronic notice through ECF***

/s/ Ronald Kapustka  
Attorney for Movant

Ronald J. Kapustka  
Kovitz Shifrin Nesbit  
175 North Archer Ave., Mundelein, IL 60060  
Tel. (847) 537-0500 / Fax (847) 537-0550  
rkapustka@ksnlaw.com; ndaily@ksnlaw.com  
ARDC No. 6203095  
KSN FILE (CEST002-61081)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
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**IN RE:** )  
 ) Case No. 20 B 02109  
QUINN DEJUAN BROWN ) Chapter 13  
JANELLE LYNEA BROWN )  
 ) Judge Timothy A. Barnes  
Debtor(s) )

**MOTION OF ESTATES AT BROOKMERE OWNERS ASSOCIATION FOR RELIEF  
FROM THE AUTOMATIC STAY OR IN THE ALTERNATIVE TO DISMISS  
DEBTOR'S CHAPTER 13 BANKRUPTCY**

ESTATES AT BROOKMERE OWNERS ASSOCIATION, a secured creditor, by and through its attorneys, by Ronald J. Kapustka, moves this Court pursuant to 11 U.S.C. Sec. 362, to modify the automatic stay heretofore entered in this cause, or in the alternative, pursuant to 28 U.S.C. Sec. 1307, to dismiss the Debtor's Chapter 13 bankruptcy and in support states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and the general orders of the Northern District of Illinois.
2. Venue is fixed in this Court pursuant to 28 U.S.C. §1409.
3. This matter constitutes a core proceeding pursuant to 28 U.S.C. §157(b)(2)(G).
4. On or about January 24, 2020, Quinn Brown and Janelle Lynea Brown filed their Petition under Chapter 13 of the United States Bankruptcy Code.
5. Creditor and Movant, Estates at Brookmere Owners Association ("Association") is incorporated under the laws of the State of Illinois as a non-for-profit corporation and is charged with the authority to administer the subject premises pursuant to the Declaration for the

Association (hereinafter referred to as "Declaration"), duly recorded with the office of the Recorder of Deeds.

6. Debtor(s) are the legal owners of the property commonly known as 152 Henson Court, Matteson, Illinois which is subject to the terms and conditions of the Declaration.

7. The Declaration gives the Association the right to collect assessments from owners such as the Debtors herein and to maintain eviction actions and to recover attorneys' fees and costs from owners who fail to stay current on their assessments. Unpaid assessments are a lien on the property pursuant to the terms of the Declaration.

8. The Debtor(s) have defaulted with respect to their obligations pursuant to the terms of the Declaration and that they have failed to pay assessments and common expenses as required pursuant to the terms of the Declaration. As of the date hereof, there is due and owing to the Association a pre-petition amount in the sum of \$3,614.17 (Minus any payments made by the Trustee) and a post-petition amount in the sum of \$2,430.00 in assessments, fees, and costs through July 1, 2022 as evidenced by the Statement of Default filed herewith. That the last post-petition payment made by the Debtors was received by the Association on August 20, 2021.

9. That enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtor(s) filing the instant case.

10. As a result of the above, the Association lacks adequate protection of its interest in the subject property for the reason that the Debtor has not made timely monthly assessments payments due under the Declaration as required.

11. Upon information and belief, the Debtor continues to enjoy the benefits of the common elements and services provided by the Association without making any contribution to the common expenses arising therefrom.

12. If the Association is not legally permitted to proceed with its eviction complaint and to protect its interest in the above-described property and to collect assessments post-petition; as well as to file its lien on the property, it will suffer irreparable injury, loss and damage, as will the other unit owners in the Association.

13. This property is not necessary for an effective reorganization nor is it necessary to the bankruptcy estate.

14. This Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and creditor requests this Court so order.

**WHEREFORE**, Estates at Brookmere Owners Association prays that upon final hearing of this Motion, the Stay pursuant to 11 U.S.C. Sec. 362 be modified so as to permit the Association to proceed and file its eviction action and/or to enforce its Order for Possession previously granted in its eviction action, and to file its lien on the property, and to proceed against the Debtors to collect pre and post-petition assessments, or in the alternative, that the Debtor's Chapter 13 bankruptcy be dismissed for failure to make payments and that Estates at Brookmere Owners Association have such other and further relief as this Court deems just and equitable.

ESTATES AT BROOKMERE OWNERS  
ASSOCIATION

By: /s/ Ronald J. Kapustka  
Ronald J. Kapustka

Ronald J. Kapustka  
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